IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3813 OF 2005
IN
CRIMINAL APPEAL NO. 567 OF 2005

Shamsuddin Bashir Ahmed Shaikh ...Applicant

Versus

State of Maharashtra ...Respondents

.....

Mr. M.K. Kocharekar, Advocate for Applicant
Mr. Y.S. Shinde, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 23RD AUGUST, 2005

P. C.:-

1. Heard both sides.

2. The applicant has been convicted under Section 395 of I.P.C. and sentenced to five years R.I.

3. In the present case, the bank was looted. Immediately thereafter P.W.9 and P.W.12 chased the applicant and caught him with a bag in hand i.e. the bag belonging to the Bank and in the said bag some gold articles were found which were identified by the witnesses.

4. The learned advocate for the applicant has submitted that the sentence imposed on the applicant is only five years and the applicant has undergone more than half of the sentence of imprisonment,

hence, he has prayed for bail. The learned A.P.P. on the other hand has submitted that if the applicant is released on bail he will indulge in other similar offences. He has pointed out that the applicant is involved in C.R. No.378 of 2001 registered at Gaodevi police station and the said case is under Section 379 and 380 of I.P.C. The learned A.P.P. has further pointed out that the applicant is also involved in C.R. No. 377 of 2001 registered at Bandra police station. The said case is under Section 392, 397 r.w. 34 of I.P.C. Besides this, the learned A.P.P. has submitted that while the applicant was in Alibaug jail, he was involved in an offence under Section 147, 148, 149 and 323 of I.P.C. and C.R. No. 63 of 2001 is registered in respect of the said case with Alibaug police station. Looking to this fact, I find that the apprehension expressed by the learned A.P.P. to be rightly founded.

5. In this view of the matter, I am not inclined to grant bail to the applicant. However, the hearing of the appeal is expedited. Office to prepare the paper books expeditiously and place the matter on the final hearing board within a week of the paper books being ready.

6. Application is disposed of.

*****